

REMARKS

The Examiner rejected Claims 1-5 and 7-23 in an office action dated September 21, 2005. In view of the following remarks, the Applicant respectfully requests the Examiner's thoughtful reconsideration.

CLAIM OBJECTIONS

The Examiner objected to the status identifiers for Claims 13, 14, 20, and 23. Each stated that the claim was currently amended. The Applicant's copy of the prior response and the copy available on PAIR indicate amendments present in those claims. In Claims 13, 14, and 20, the letter "s" was stricken from the word "goods." In Claim 23 the word "a" was inserted between "calculate purchase."

CLAIM REJECTIONS – 35 USC §1023 – CLAIMS 1-5 AND 7-23

Claims 1-5 and 7-23 were rejected under Section 102 as being anticipated by USPN 6,304,856 issued to Soga.

Claims 1-5 and 7-9: Claim 1 is directed to a computerized method for conducting a transaction. As amended, Claim 1 includes the following combination of elements:

1. receiving an order to deliver a good and payment data identifying an account;
2. generating a ticket containing electronically readable information representing the payment data;
3. delivering the ticket with the ordered good; and
4. upon or following delivery of the good:
 - a. electronically reading the ticket with a delivery device;
 - b. the delivery device generating a delivery record at least indirectly indicating that the good has actually been delivered, the delivery record containing payment information obtained from reading the ticket, and the payment information at least indirectly identifying the payment data; and
 - c. electronically triggering payment from the account utilizing the payment information obtained from reading the ticket.

To summarize, elements 4(a) through 4(c) of Claim 1 recite a delivery device generating a delivery record that at least indirectly indicates that a good has actually been delivered. The delivery record is generated to contain payment information obtained from the delivery device reading a ticket delivered with the good. The payment information at least indirectly identifies payment data, and the payment data identifies an account. Payment is then electronically triggered from the account using the payment information. This is not taught or suggested by Soga.

The Examiner mistakenly asserts that Soga, col. 24, lines 9-67 teaches elements 4(a) through 4(c) of Claim 1. To help illustrate the Examiner's misunderstanding of Soga and Claim 1, the cited passage is reproduced as follows:

<6: Delivered Freight Hand-over>

FIG. 39 is a flow chart showing the process flow of the delivered freight hand-over process 136.

In the delivered freight hand-over 136, a delivery register index is first received from the input unit 420 of the portable terminal system 215. When freight cannot be handed over for the reasons that the consignee is absent at the time of delivery of freight, "absence register" is inputted as the delivery register index but when hand-over is completed, "delivery completion register" is inputted (step 4110). With the delivery register index inputted, the processor 400 causes the electronic tag reader/writer 440 to read, from the electronic tag 370, the freight number, lot number, collection request information, weight, electronic tag index and fee. At that time, if the electronic tag classification is a lot tag, the read-out contents is discarded and information is read out of another electronic tag 370 (step 4115). Next, the delivery register index inputted in the step 4110 is decided and if the delivery completion register prevails, the program proceeds to step 4125 but if the absence register prevails, the program proceeds to the process in step 4160.

In the step 4125, the contents of bill index in the collection request information read out of the electronic tag 370 in the step 4115 is further decided. In case pay on arrival is set in the bill index, the process in step 4130 and in case of other than pay on arrival, the program proceeds to the process in step 4140.

In the step 4130, the processor 400 displays a fee read out of the electronic tag 370, together with the freight number, on the output unit 430. Subsequently, the processor 400 receives the input of charge recovery index from the input unit 420. When the recovery index is "finished", the processor 400 updates the recovery index by using this indication. Next, with the recovery index inputted in the step 4130 being "finished", the

processor 400 causes the label printer 490 to deliver a receipt describing the consignee name, bill index, fee, transport service contractor name, base station name, person in charge name, delivery date and sign column in the collection request information. It is assumed that the transport service contractor name, base station name and person in charge name are precedently registered in the storage unit 410 (step 4135).

In the step 4140, the person in charge name, delivery date and "delivery completion" indicated in the work index are registered in the electronic tag 370 by means of the electronic tag reader/writer 440. At that time, the processor 400 registers similar information in a lot electronic tag 374 having the same freight number as that read in the step 4115. The freight number, lot number, collection request information, weight, fee and the delivery data registered in the electronic tag 370 are stored in the storage unit 410.

Next, the processor 400 examines whether a delivery completion register end request is inputted from the input unit 420 and in the absence of the delivery completion register end request, the processor 400 repeats the process following the step 4115 (step 4145). In the presence of the inputted end request, the freight number, lot number, collection request information, weight and fee stored in the storage unit 410 are described by the number of freight goods handed over to the consignee and a receipt described with the transport service contractor name, base station name, person in charge name, delivery date and sign column and its copy are delivered from the label printer 490, together with the aforementioned information. The receipt is signed by the consignee and then carried back by the person in charge while the copy being transferred to the consignor (step 4155).

Soga, col. 24, line 9 through col. 25, line 8 (emphasis added).

In short, Soga teaches a reading device (440) that reads information from a tag (370). The data read from that tag does not include payment data identifying an account. Instead, Soga enumerates the data read as follows "the freight number, lot number, collection request information, weight, electronic tag index and fee." Soga, col. 14, lines 20-22. As a consequence, Soga does not teach that its reading device (440) generates a delivery record that contains payment information obtained from reading the ticket where that payment information at least indirectly identifying the payment data. Moreover, the cited passage mentions nothing of electronically triggering payment from the account utilizing the payment 112 information obtained from reading the ticket.

Should the Examiner persist, the Applicant respectfully asks the Examiner to specifically cite by column and line:

1. where Soga teaches that its tag (370) contains payment data;

2. where Soga teaches generating a record that includes payment information that at least indirectly identifies the payment data; and
3. where Soga teaches electronically triggering payment from the account utilizing the payment information obtained from reading the ticket.

For at least these reasons, Claim 1 is patentable over Soga. Claims 3-5 and 7-9 are also patentable over Soga due at least in part to their dependency from Claim 1.

Claims 10-16: Claim 10 is directed to a computer program product for triggering payment upon actual delivery of goods. The product includes a computer useable medium having computer readable instructions for implementing the method of:

1. reading, from a ticket delivered with the goods, information representing payment data for the goods, the payment data identifying an account; and
2. generating a delivery record at least indirectly indicating that the good has actually been delivered, the delivery record containing payment information obtained from reading the ticket, and the payment information at least indirectly identifying the payment data; and
3. initiating payment from the account for the goods utilizing the payment information.

As above with Claim 1, Soga fails to teach that its reading device (440) generates a delivery record that contains payment information obtained from reading the ticket where that payment information at least indirectly identifying the payment data. Moreover, the Soga mentions nothing of electronically triggering payment from the account utilizing the payment 112 information obtained from reading the ticket.

For at least these reasons, Claim 10 is patentable over Soga. Claims 11-16 are also patentable over Soga based at least on their dependency from Claim 10.

Claims 17-23: Claim 17 is directed to a system for payment of delivered goods. As amended, Claim 17 includes the following elements:

1. a ticket delivered with the good, the ticket containing information identifying an account from which payment for the goods is to be received; and

2. a delivery device operable to read the information from the ticket to identify the account, the delivery device being further operable to:
 - a. generate a delivery record at least indirectly indicating that the good has actually been delivered, the delivery record containing payment information obtained from reading the ticket, and the payment information at least indirectly identifying the account; and
 - b. trigger payment from the account utilizing the payment information obtained from reading from the ticket .

As with Claims 1 and 10, Soga fails to teach or suggest a delivery device that is capable of generating a delivery record that at least indirectly indicates that the good has actually been delivered and the delivery record contains payment information obtained from reading the ticket where the payment information at least indirectly identifies an account from which payment is to be made. Furthermore, Soga fails to teach a delivery device capable of triggering payment utilizing that payment information read from the ticket.

For at least these reasons, Claim 17 is patentable over Soga. Claims 18-23 are also patentable over Soga based at least on their dependency from Claim 17.

CONCLUSION

Claims 1-5 and 7-23 are felt to be in condition for allowance. Consequently, early and favorable action allowing these claims and passing the application to issue is earnestly solicited. The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,

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